UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,637	10/04/2006	Won-Seok Yoo	56587.33	2098

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EXAMINER
JONES, MARCUS D

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
03/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *23 December 2009*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,8-17,19 and 20* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-4, 8-17, 19 and 20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 23 December 2009 in response to the previous Non-Final

Office Action (2 October 2009) is acknowledged and has been entered.

Claims 1-4, 8-17, 19 and 20 are currently pending.

Claims 5-7, 18, 21 and 22 are cancelled.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
            obviousness or nonobviousness.

3.   **Claims 1-4, 12-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Leen et al. (US PGPub 2003/0050115), and further in view of

Daniel (US PGPub 2006/0121968).

In reference to claims 1, 12, and 20, Leen discloses: A system and method for proving a game service to a plurality of users, an online game service system comprising: a user behavior pattern database, the user behavior pattern database storing at least one behavior pattern classification reference for classifying user behavior patterns and game behavior pattern information of the users (pg 7, par 77, *profile information stored in memory*); a channel database, the channel database storing random channels for at least one game and data on game rooms generated at the random channels (pg 5-6, par 62, *"intelligent lobby" and lobby manager*); a game server, the game server providing a game service to the users who have entered respective game rooms by the channel server, the game server monitoring respective users' actual playing of the game, analyzing how the respective users have played the game based upon game skill and patterns of the play and determining game behavior patterns of the respective users by using the at least one behavior pattern reference stored in the user behavior pattern database based on the respective users' actual playing of the game, and the game server storing the determined game behavior patterns in the user behavior pattern database (pg 3, par 32, *Server comprises a gaming processor that executes one or more gaming applications*). Leen further disclose that the lobby and gaming processor may reside on the same or different servers. Leen also discloses matching users based on selection criteria in the profile of the user, such as skill level, ranking, weakness/strengths, player strategy (pg 7, par 80) and monitoring game events, including wager information (pg 7, par 73).

Leen does not specifically disclose determining a malicious user. Daniel teaches

the collusion detection server (14) maintains a recording means in the form of a

collusion detection database (20), the function of which will be described in greater

detail below. The collusion detection server (14) operates under control of a stored

program capable of logging the playing history of each player who participates an

instance of the game of poker at some time. The playing history includes an amount

wagered on each turn of the game in which the player has participated, as well as a

corresponding outcome of the wager. The outcome of the wager is taken to be a profit

made on the wager, if successful, and an amount of the wager that is forfeited by the

player if the wager is unsuccessful. In this particular embodiment, the outcome of the

successful wager is thus the total of all the wagers by the participating players in the

turn of the instance of the game of poker, less the amount wagered by the winning

player, less the amount of the rake. The logged information is recorded in the collusion

detection database (20). The stored program in the collusion detection server (14)

provides a ranking facility (21) that is operable to derive from the logged playing history

of each pair of players in an instance of the game, a corresponding tertiary statistic. The

tertiary statistic is re-calculated by the ranking facility (21) each time the corresponding

players' respective playing histories are updated with the outcome of a further turn of

the game in which the players have participated. The derived tertiary statistic is stored

in the collusion detection database (20). The tertiary statistic for each pair of players is a

function of the cumulative wagers by each player in the pair in all turns of the game in

which both players have wagered, and the cumulative outcomes of the wagers made by

each player in these same turns of the game. Referring now to FIG. 3, the stored

program in the collusion detection server (14) also provides a monitoring means (22) for

continuously monitoring the tertiary statistic of any pair of players in the collusion

detection database (20). The monitoring means (22) generates an output in the form of

a flag when the tertiary statistic of any pair of players exceeds a threshold of 1,08. The

applicant has found that such a situation indicates a change in the pattern of play of that

pair of players, and that this may serve as a reliable indicator of possible collusion by

that pair of players that is worthy of further investigation. In order to minimise the

possibility of generating spurious flags, the ranking facility (21) derives the tertiary

statistic for any pair of players only once a playing history exceeding 300 turns of the

game has been logged in the collusion detection server (14). The stored program in the

collusion detection server (14) also provides a control facility (23) that acts on the flag

generated by the monitoring means (22) by suspending the corresponding pair of

players from further participation in the game of poker (pg 6, par 138-141).

It would have been obvious to a person having ordinary skill in the art at the time

of the invention to have modified Leen in view of Daniel to prevent players that are

cheating form being matched with players that play the game fairly, so that the game

can be enjoyed without concern of being taken advantage of.

In reference to claims 2 and 13, Leen and Daniel disclose the invention

substantially as claimed. Leen further discloses that each entry of profile information

includes a record identifier, user identifier, account information, statistics information,

user attributes and characteristics, and selection criteria (pg 7, par 77 and see Figure 5).

In reference to claims 3, 14, 16 and 17, Leen and Daniel disclose the invention substantially as claimed. Leen further discloses that the lobby manager creates an "intelligent lobby" in which players of gaming applications are sorted, filtered and presented to other players using profile information, the lobby manager then matches players of gaming applications against each other based on profile information (pg 5-6, par 62).

In reference to claims 4 and 19, Leen and Daniel disclose the invention substantially as claimed. Leen further discloses that the game may be a card game (pg 3, par 34). Leen also discloses that the profile include wager records (pg 5, par 57).

In reference to claim 15, Leen and Daniel disclose the invention substantially as claimed. Leen discloses the invention substantially as claimed except that an empty random channel is selected when no other random channels are provided. However, it would have been obvious to a person having ordinary skill in the art at the time of the invention to create a room for players that have not been match to play together.

4.   Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leen and Daniel, and further in view of Codero et al. (US PGPub 2001/0044339).

In reference to claim 8, Leen and Daniel disclose the invention substantially as claimed except for a list of channels. Cordero further teaches that the matchmaker server may have stored in a database a list of available game servers (pg 5-6, par 48).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Leen in view of Cordero to show a list of available games for a user to choose from.

In reference to claim 9, Leen and Daniel disclose the invention substantially as claimed. Cordero further teaches a display device that is capable of displaying the available game servers (pg 3, par 30). Cordero also discloses the matchmaker server and matchmaker component to providing game matchmaking functionality to a player (pg 5, par 47).

In reference to claims 10 and 11, Leen and Daniel disclose the invention substantially as claimed. Leen further discloses real-time event monitoring in which the wager manager can determine the outcome of a wager in real-time and allows a user to formulate a wager based upon intra-game events (pg 7, par 73). Cordero also teaches a channel determination module, the channel determination module determining a random channel that the corresponding user will enter from among the random channels in the channel database based on the users' behavior pattern classification determined by the user behavior pattern determination module (pg 5-6, par 47-51, *matchmaker server*).

Response to Arguments

5.   Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/   /John M Hotaling II/
Examiner, Art Unit 3714   Primary Examiner, Art Unit 3714